

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-20481 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 5, 2015

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 54.0308 AND 54.0309; AMENDING CHAPTER 6, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 62.1205; AMENDING CHAPTER 9, ARTICLE 8, DIVISION 4 BY AMENDING SECTION 98.0425; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1 BY AMENDING SECTIONS 112.0102 AND 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 112.0301 AND 112.0309; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 112.0504; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 113.0234; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 121.0203; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 121.0504 AND 121.0505; AMENDING CHAPTER 12, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 123.0101; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 1 BY AMENDING SECTION 125.0141; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 125.0461; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 10 BY AMENDING SECTION 125.1030; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTIONS 126.0108, 126.0110, 126.0111, 126.0112, AND 126.0113, AND BY REPEALING SECTION 126.0109; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 2 BY AMENDING SECTION 128.0209; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTIONS 128.0306, 128.0310, AND 128.0312; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 6 BY REPEALING SECTIONS 129.0642 AND 129.0643; AMENDING CHAPTER 12, ARTICLE

9, DIVISION 7 BY AMENDING SECTIONS 129.0702, 129.0710, 129.0715, AND 129.0720, AND BY REPEALING SECTIONS 129.0743 AND 129.0744; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 8 BY AMENDING SECTIONS 129.0802, 129.0804, AND 129.0813, AND BY REPEALING SECTIONS 129.0806, 129.0811, 129.0812, AND 129.0815; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTIONS 131.0202 AND 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0448, AND 131.0461; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522 AND 131.0540; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622 AND 131.0623; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0302; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 141.0405 AND 141.0411; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 141.0504, AND BY ADDING NEW SECTION 141.0507; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY ADDING NEW SECTION 141.0602, BY REPEALING AND REPLACING SECTION 141.0607, AND BY AMENDING SECTION 141.0619; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 10 BY AMENDING SECTION 141.1003; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 11 BY AMENDING SECTION 141.1105; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 142.0305, 142.0310, AND 142.0340; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0530 AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0670; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 9 BY AMENDING SECTION 142.0910; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1206, 142.1210, 142.1220, 142.1225, AND 142.1260, AND BY ADDING NEW SECTION 142.1208; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 2 BY AMENDING SECTIONS 144.0233 AND 144.0242; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0315; AMENDING CHAPTER 15, ARTICLE 10, DIVISION

3 BY AMENDING SECTIONS 1510.0303, 1510.0307, AND 1510.0309; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AND REPEALING CHAPTER 15, ARTICLE 17, DIVISIONS 1, 2, 3, AND 4, ALL RELATING TO THE 9TH UPDATE TO THE LAND DEVELOPMENT CODE AND RELATED PROVISIONS.

§54.0308 Standards for Boarding a Vacant Structure

Except as provided in Section 54.0308(a)(9)(i), the *responsible person* or *Director* shall board a *vacant structure* according to all of the following specifications and requirements:

(a) through (i) [No change in text.]

§54.0309 Entry or Interference with Notice Prohibited

(a) It is unlawful for any person to enter or occupy any structure or premises which has been posted pursuant to Section 54.0308(a)(8)(h) of this ~~Division~~, except to repair or demolish the structure under proper permit or for a purpose authorized by the owner.

(b) It is unlawful for any person to remove or deface any notice posted pursuant to Section 54.0308(a)(8)(h) of this Code until the required repairs or demolition have been completed or a Certificate of Occupancy has been issued in accordance with appropriate provisions of the California Building Code as in Chapter IX of the Municipal Code.

§62.1205 Duration of a ~~Public Right-of-Way Permit~~ Public Right-of-Way Permit to Excavate Within a Public Street

It shall be unlawful for any person or *public utility* to excavate within the roadway section of a street in the *public right-of-way* without a valid ~~Public Right-of-Way Permit~~ Public Right-of-Way Permit under issued in accordance with Section

~~129.0702 129.0741~~. Notwithstanding Chapter 12, Article 9, Division 7, ~~Section~~
~~129.0743 and Section 129.0744~~, a *Public Right-of-Way Permit* Public Right-of-
Way Permit to excavate within the roadway section of a public street shall be void
if the excavation has not begun within ninety calendar days of the start date
specified in the permit, if the excavation is not pursued diligently to its
conclusion, or if the excavation and restoration has not been completed within one
calendar year from the permit issuance.

§98.0425 ~~Free~~ Fee Payment

When fees are to be paid, the payment or an offer for payment shall be made to
and accepted by the school district prior to the issuance of a building permit for
the proposed development.

§112.0102 Application Process

An application for a permit, map, or other matter shall be filed with the City
Manager in accordance with the following requirements:

(a) through (c) [No change in text.]

(d) Expiration of Application

(1) through (2) [No change in text.]

(3) An application related to a premises for which a civil penalty
Notice and Order establishes a future date for corrective action of a
code violation shall be automatically extended 180 calendar days
from the date for corrective action. If the date for corrective action
is less than two years from the date the application is deemed

complete, the application may be extended in accordance with
Section 112.0102(d)(2).

~~(3)~~(4) Once expired, the application, plans, and other data submitted for review may be returned to the *applicant* or destroyed by the City Manager.

~~(4)~~(5) To reapply, the *applicant* shall submit a new application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is *deemed complete*.

§112.0103 Consolidation of Processing

(a) When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker as follows, except as provided in Sections 112.0103(b) and (c).

(1) The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105.

(2) The *findings* required for approval of each permit shall be considered individually, consistent with Section 126.0105.

(3) Where the consolidation of processing combines Process Two, Process Three, Process Four, or Process Five with Process CIP-Two or Process CIP-Five, the consolidation shall be made as follows:

~~(a)~~(A) Consolidation of Process Two and Process CIP-Two shall be consolidated into Process CIP-Two.

~~(b)~~(B) Consolidation of Process Three, Process Four, or Process Five with Process CIP-Five shall be consolidated into Process CIP-Five, except that any consolidation with a Process Five for rezoning shall be consolidated into Process Five.

(b) When the California Environmental Quality Act (CEQA) and California Water Code require that the City prepare a Water Supply Assessment (WSA), the WSA shall be considered by the City Council. The associated *development permit* applications are not required to be consolidated with approval of the WSA, as further described below:

(1) When the *development permit* is subject to Process Two, Three, or Four, the City Council must consider and approve the WSA prior to the lower decision maker's consideration and approval of the *development permit*.

(2) When the *development permit* is subject to Process Five, the City Council must consider and approve the WSA at a hearing that occurs prior to or at the same time as the hearing at which it grants approval of the *development permit*. A City Council action to adopt or certify an environmental document that incorporates a WSA constitutes approval of the WSA.

- (c) An application for an approval required to comply with a civil penalty Notice and Order related to a code violation is not required to be consolidated for processing with any other application, but may be consolidated at the *applicant's* request.

§112.0301 Types of Notice

- (a) through (b) [No change in text.]

- (c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, Process Five, or Process CIP-Five, or an appeal of a Process Two, Process CIP-Two, Process Three, or Process Four decision, or of an *environmental determination* determination. A Notice of Public Hearing shall also be provided before a decision is made by the City Council in accordance with Section 132.1555 (Overrule Process).

- (1) through (2) [No change in text.]

- (3) Distribution. Except as otherwise provided by the Municipal Code, the City Manager shall publish the Notice of Public Hearing in accordance with sSection 112.0303, and shall mail the Notice of Public Hearing to the persons described in sSection 112.0302(b), at least 10 *business days* before the date of the public hearing. Where fees are being imposed on a specific project to defray the cost of public facilities, the Notice of Public Hearing shall also be

published, in accordance with California Government Code section 6062a, or as amended.

(d) through (e) [No change in text.]

§112.0309 Failure to Receive Notice

The failure of any person to receive notice given in accordance with this division and the State of California Planning and Zoning Laws shall not constitute grounds for any court to invalidate any action taken by the City for which the notice was provided- and such action shall not be held invalid for noticing errors in the absence of a court's final determination of invalidity on that basis under the standard set forth in California Government Code section 65010(b).

§112.0504 Process Two Appeal Hearing

(a) The Planning Commission shall hear appeals of Process Two decisions subject to the following requirements, unless otherwise specified in the Land Development Code.

(1) [No change in text.]

(2) Request for a Process Two Appeal Hearing.

(A) A Process Two decision may be appealed by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*.

(B) ~~If an *applicant* appeals the denial of~~ Pursuant to the *Subdivision Map Act, applicants may file an appeal of a decision to deny their application for an Extension of Time*

for a map waiver or *tentative map*. ~~in accordance with~~
 Sections 125.0124 and 125.0461, the decision may be
~~appealed no later than~~ In such cases, the maximum time
period for filing an appeal is 12 business days or 15
calendar days after the decision date, whichever is greater
~~in accordance with Subdivision Map Act section~~
 66452.6(e).

(3) through (5) [No change in text.]

(b) [No change in text.]

§113.0103 Definitions

Abutting property through Public utility [No change in text.]

Reasonable Accommodation, pursuant to the Fair Housing Amendments Acts of 1988 and the California Fair Employment and Housing Act, means accommodations necessary to afford *disabled persons* an equal opportunity to use and enjoy a ~~dwelling unit~~ dwelling.

Reclamation through Yard [No change in text.]

§113.0234 Calculating Gross Floor Area

Gross floor area is calculated in relationship to the *structure* and *grade* adjacent to the exterior walls of a building. The elements included in the *gross floor area* calculation differ according to the type of ~~development~~ development proposed and are listed in Section 113.0234(a)-(c). *Gross floor area* does not include the elements listed in Section 113.0234(d). The total *gross floor area* for a *premises* is regulated by the *floor area ratio* development standard.

(a) through (c) [No change in text.]

(d) Elements Not Included in *Gross Floor Area*

(1) through (3) [No change in text.]

(4) Bay windows that meet all of the following criteria:

(A) The bay window height is 5 feet or less.

(B) The interior space created by the bay window does not project outward more than 4 feet.

(C) At least a 3 foot clear space is provided between the bottom of the bay window projection and the grade below.

(D) The bay window projection does not require structural support.

(E) The total length of the bay window shall not exceed 15 linear feet.

§121.0203 Authority to Inspect Private Property

(a) [No change in text.]

(b) In addition to the powers set forth in Section 121.0203(a), the City Manager or designated Code Enforcement Official has the authority to enter any *structure*, during reasonable hours or at any time that extreme danger exists, in the discharge of official duties to do the following:

(1) through (4) [No change in text.]

(5) Inspect any *sign* ~~that is required to have a Sign Permit Sticker for~~ compliance with Chapter 14, Article 2, Division 12 (Sign Regulations).

§121.0504 Inspection and Abatement

- (a) ~~All *signs* that are required to have a Sign Permit Sticker are subject to inspection.~~ The City Manager or designated eCode eEnforcement Official is authorized to enter any property to inspect ~~the~~ any *sign* for ~~placement of the sticker in accordance with Section 121.0203~~ compliance with Chapter 14, Article 2, Division 12 (Sign Regulations).
- (b) through (d) [No change in text.]

§121.0505 Sign Permit Violations

- (a) It is unlawful to erect or maintain a *sign* contrary to any provision of Chapter 14, Article 2, Division 12 (Sign Regulations).
- (b) ~~It is unlawful to erect or maintain a *sign* subject to Chapter 14, Article 2, Division 12 (Sign Regulations) without a Sign Permit Sticker as required by the Sign Regulations.~~

§123.0101 Purpose of Zoning and Rezoning Procedures

The purpose of these procedures is to establish the process for the inclusion or placement of any property within the City of San Diego into any zone as established and defined in Chapter 13 (Zones) or Chapter 15 (Planned Districts).

§125.0141 Decision Process for Correction and Amendment of Maps

A decision on an application to correct or amend a recorded map shall be made in accordance with the following:

- (a) through (b) [No change in text.]
- (c) Modified Conditions: If the proposed amendments modify or eliminate conditions of approval of the recorded map or do not substantially

conform with the approved *tentative map*, ~~the City Council shall make the decision on the application for the *amended map* in accordance with~~
~~Process Five~~ shall be subject to the process that would apply if the map were submitted as a new application.

§125.0461 Extension of Time for a Tentative Map

The expiration date of a *tentative map* may be extended as follows:

- (a) The expiration date of a *tentative map* may be extended one or more times in accordance with the *Subdivision Map Act*, if the extensions do not exceed a total of 72 months. This time frame does not include any legislative extensions enacted pursuant to state law.

- (1) Request for Extension. An application for an Extension of Time for a *tentative map* shall be filed before the expiration date of the *tentative map* but not more than ~~60 calendar days~~ 12 months before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is timely filed, the *tentative map* shall be automatically extended for a period of 60 calendar days from the expiration date or until the Extension of Time is approved, conditionally approved, or denied, whichever occurs first.

- (2) through (4) [No change in text.]

- (b) through (c) [No change in text.]

§125.1030 Decision Process for an Easement Vacation

- (a) A decision on an application to vacate a *public service easement* requested in accordance with Section 125.1010(b) or to vacate any other type of easement requested in accordance with Section 125.1010(c) shall be made by the City Council in accordance with Process Five, except that a recommendation by the Planning Commission is not required. A Planning Commission recommendation shall not be required for a Coastal Development Permit necessary solely because the *public service easement* vacation is in the Coastal Overlay Zone.
- (b) [No change in text.]

§126.0108 Initial Utilization of a Development Permit

- (a) A *development permit* grants the ~~applicant~~ permit holder 36 months to initiate utilization of the ~~permit development permit~~. ~~If none of the actions listed in Section 126.0108(b) has occurred~~ utilization does not occur in accordance with this Section within 36 months after the date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the *development permit* shall be void.
- (b) To demonstrate utilization, the *permit holder* shall establish, with evidence identified in Section 126.0108(c), that at least one of the following circumstances occurred before expiration of the *development permit*:
- (1) Significant investment was incurred to meet permit conditions;
 - (2) Substantial work was performed in reliance on the *development permit* granted; or

(3) Use of the property has occurred in the manner granted by the development permit.

(b)(c) ~~A development permit may be utilized by the following methods: Upon request, the permit holder shall provide evidence of the following, to the satisfaction of the City Manager:~~

- (1) Issuance of a *construction permit* for the entire project or for a substantial portion of the activity regulated by the *development permit*, ~~as determined by~~ according to standards developed by the City Manager;
- (2) [No change in text.]
- (3) Evidence of substantial use ~~in progress~~ as granted by the development permit, according to standards as developed by the City Manager; ~~or~~
- (4) Approval of a *final map* or a *parcel map*, or acceptance of an easement, if the map or easement was a condition of, or was processed concurrently with, the *development permit*; or
- (5) Other facts demonstrating the occurrence of any of the circumstances described in Section 126.0108(b).

§126.0109 Maintaining Utilization of a Development Permit

- (a) ~~If issuance of a construction permit in accordance with Section 126.0108 is the method used for initial utilization of the development permit, the construction permit shall be kept active until completion of the final~~

~~inspection or issuance of the certificate of occupancy to maintain utilization of the *development permit*.~~

- (b) ~~If the *construction permit* is allowed to expire before completion of the project, the initial utilization of the *development permit* gained by that *construction permit* shall become void.~~
- (c) ~~A *development permit* that is voided in accordance with 126.0109(b) may be reactivated by obtaining a new *construction permit* either during the original 36-month timetable for that *development permit*, or during the timeline as may have been extended in accordance with Section 126.0111.~~

§126.0110 Cancellation or Rescission of a Development Permit

- (a) ~~An owner or permittee~~ A *permit holder* may request cancellation of a *development permit* at any time before initial utilization of the permit. The ~~owner or permittee~~ *permit holder* shall submit the request for cancellation in writing to the City Manager. ~~The City shall forward a written declaration of the cancellation to the County Recorder for recordation in accordance with Section 126.0106. The *development permit* shall be void as of the date it is cancelled by the City Manager. The *development permit* shall be void on the date that the declaration of cancellation is recorded with the County Recorder. The City shall mail a copy of the declaration of cancellation to the owner and permittee.~~
- (b) ~~Once~~ If a *development permit* has already been utilized, ~~an owner or permittee~~ in accordance with Section 126.0108, the *permit holder* may

submit an application to rescind the *development permit* in accordance with the following:

(1) through (2) [No change in text.]

The *development permit* shall be void as of the date it is rescinded by the City Manager.

(c) The cancellation or rescission shall thereafter be recorded by the applicant, or the City may record it by forwarding a written declaration of the cancellation or rescission to the County Recorder for recordation in accordance with Section 126.0106.

§126.0111 Extension of Time of a Development Permit

(a) Expiration Date. The expiration date of an approved *development permit* may be extended one or more times; ~~provided the~~ The *development permit* approval and subsequent *development permit* extensions do shall not exceed a total of ~~36 months~~ 72 months beyond the ~~expiration of the initial utilization period.~~ initial *development permit* approval date, with the following exceptions:

(1) The 72 month maximum may be exceeded if permitted by any extension granted pursuant to state law or by any *development permit* extension granted by the City Council by ordinance.

(2) When a *development permit* is associated with a *tentative map*, any map extensions granted pursuant to state law shall automatically extend the expiration of associated *development permits* to

coincide with the expiration of the *tentative map*. ~~This extension of time shall not be subject to the 36 month restriction.~~

- (b) Request for Extension. Before the expiration of an approved *development permit*, but not more than ~~60 calendar days~~ 12 months before the expiration date, ~~an applicant may file an application~~ may be filed for an extension of time ~~to~~ for a *development permit* in accordance with Section 112.0102. If an application for extension of time is timely filed, the *development permit* shall be automatically extended for a period of 60 calendar days from the expiration date or until a decision on the extension of time has been made, whichever occurs ~~last~~ first.

(c) through (i) [No change in text.]

- (j) Commencement of Extension. If the extension of time is granted, the extension shall begin from the date of the expiration of the previously-approved *development permit*.

§126.0112 Minor Modifications to a Development Permit

- (a) A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit.
- (b) If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*.
- (c) Where a *development permit* requires compliance with a regulation in effect on the date of approval, but that regulation is subsequently

amended, the *permit holder* may utilize the amended regulation without obtaining an amendment to its *development permit* if it obtains a Process Two Neighborhood Development Permit, or can demonstrate to the satisfaction of the City Manager that the resulting *development* is in *substantial conformance* with the approved *development permit*.

- (d) Within the Coastal Overlay Zone, any *substantial conformance* determination shall be ~~reached through a~~ decided in accordance with Process Two ~~review~~, except that a *substantial conformance* determination for a *capital improvement program project* shall be reached through a Process CIP-Two review.

§126.0113 Amendments to a Development Permit

- (a) A proposed revision to an approved *development permit* that would significantly reduce the scope of the *development* or is not in *substantial conformance* with the approved ~~permit~~ *development permit* requires an amendment to the approved ~~permit~~ *development permit* or an application for a new ~~permit~~ *development permit*, except that a *development permit* for industrial development in an industrial zone that is not located within 1,000 feet of a residential zone may be amended by obtaining a Process Two Neighborhood Development Permit.
- (b) through (e) [No change in text.]
- (f) An amendment to a *development permit* shall not be required for approval of a *sign* application in accordance with Section 142.1208.

§126.0502 When a Site Development Permit is Required

(a) through (b) [No change in text.]

(c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.

(1) through (3) [No change in text.]

(4) *Public improvements* required in association with private *development* that involve *development* of more than 3,000 feet of property frontage, as described in Section 142.0612, ~~except that capital improvement program projects shall be subject to Process CIP-Two.~~

(5) *Public improvements* required in association with private *development* for which adopted City standards do not apply, as described in Section 142.0612, ~~except that capital improvement program projects shall be subject to Process CIP-Two.~~

(6) through (8) [No change in text.]

(d) through (g) [No change in text.]

§128.0209 When a Previous Environmental Document May Be Used

(a) [No change in text.]

(b) ~~If a previously certified document is to be used, the Planning Director shall provide the decision-making body with an explanatory cover letter stating that none of the conditions specified in State CEQA Guidelines, Section 15162, exists.~~

~~(e)~~(b) An EIR prepared in connection with an earlier project may be used for a later project, if the circumstances of the projects are essentially the same and are consistent with the State CEQA Guidelines, Section 15153.

§128.0306 Required Time Periods for Public Review and Comment of on Draft Environmental Documents

The public review period for ~~Other public agencies and members of the public shall have the following time periods to review and comment on draft environmental documents:~~

(a) Negative Declarations, Mitigated Negative Declarations, ~~and~~ Environmental Impact Reports, and Addenda to environmental documents shall be consistent with ~~that established by~~ CEQA and the State CEQA Guidelines.

(b) ~~Addenda~~
~~All addenda for environmental documents certified more than 3 years before the date of application shall be distributed for public review for 14 calendar days along with the previously certified environmental document. However, this review period for the addenda shall not extend the time for action beyond that required under law, and the failure to allow review of addenda, or allow sufficient time to review addenda, shall not invalidate any discretionary approval based upon an addendum under review.~~

§128.0310 Draft or Final Environmental Document Preparation, Distribution and Availability ~~Public Review~~

An final environmental document consisting of all information required by CEQA and the State CEQA Guidelines and any other information the Planning Director may add shall be ~~prepared and distributed for review:~~ according to the following:

(a) Environmental Document Distribution to the Public

The Planning Director shall make an environmental document available to the public by posting it to the City's web page at least 14 calendar days prior to the earlier of the date that an advisory body makes a recommendation required by law or the date that the decision maker considers approval.

(b) Environmental Document Distribution to an Advisory Body

An advisory body required by law to make a recommendation on a project prior to a decision maker's consideration of the project's environmental document shall consider the environmental document in draft or final form. The draft or final environmental document shall be distributed to the advisory body 14 calendar days prior to the scheduled date of recommendation.

(a)(c) Final Environmental Document Distribution to the Decision Maker

~~At least 14 calendar days before the first public hearing or discretionary action on the project, the Planning Director shall make all final environmental documents, including EIR Candidate Findings and Statements of Overriding Consideration if applicable, available to the public and decision makers and shall also mail copies of final environmental documents to the officially recognized community planning groups and members of the public who commented on the draft document.~~
A decision maker required to consider approval of an environmental document shall consider the environmental document in final form. The

final environmental document shall be distributed to the decision maker at least 14 calendar days prior to the scheduled date of decision.

- (d) Failure to provide this 14-calendar day review period shall not be treated as a procedural defect and shall not preclude discretionary action on the project ~~when necessary to avoid conflict with time limits imposed by law.~~

(e) Final Environmental Impact Report Distribution to Public Agencies

The Planning Director shall provide a final EIR to any public agency that commented on the draft consistent with CEQA.

~~(b)~~(f) Comment on Final Environmental Document

The intent of the distributing the final environmental document ~~final review period~~ is to provide other public agencies, the public, and the decision makers the opportunity to review the final document ~~before the first public hearing or discretionary action on the project~~ prior to a decision being made on the project. No comments will be solicited and no written responses to comments on final environmental documents ~~shall~~ are required to be prepared.

§128.0312 Adoption of ~~Candidate~~ Findings and Statement of Overriding Considerations by the Decision Maker

Before approving a project for which the final EIR identifies one or more significant effects, the decision maker shall adopt the required *findings* in accordance with the State CEQA Guidelines, Section 15091. When the decision to approve the project allows the occurrence of significant effects that are identified in the final EIR but are not ~~at least~~ avoided or substantially mitigated, the decision maker shall make a statement of overriding considerations stating the

specific reasons to support the decision based on the final EIR and other information in the record in accordance with the State CEQA Guidelines, Section 15093.

- (a) [No change in text.]
- (b) Preparation of ~~Adopted~~ *Findings* and Statement of Overriding Considerations

The ~~adopted~~ *findings* and the statement of overriding considerations shall be in writing and shall be based on the entire record of proceedings.

- (c) Availability of *Findings* and Statement of Overriding Considerations
Where *findings* or a statement of overriding considerations are required in accordance with Section 128.0312, the Planning Director shall make a draft available to the public and decision maker in accordance with Section 128.0310(c). Failure to provide this 14 calendar day review period shall not be treated as a procedural defect and shall not preclude discretionary action on the project.

§129.0642 ~~Initial Utilization of a Grading Permit~~

~~A Grading Permit shall become void if the work authorized by the permit had not begun within 180 calendar days of the date of permit issuance.~~

§129.0643 ~~Maintaining Utilization of Grading Permit~~

~~A Grading Permit shall become void if, at any time after the work has begun, the *grading* or other work authorized by the Grading Permit is suspended or abandoned for a continuous period of 180 calendar days, unless the Grading Permit is associated with a valid Building Permit.~~

§129.0702 When a Public Right-of-Way Permit Is Required

- (a) A Public Right-of-Way Permit is required for the following unless otherwise exempt under Section 129.0703:
 - (1) The ~~private~~ construction of *public improvements* by an entity other than the City;
 - (2) through (4) [No change in text.]
- (b) [No change in text.]

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with ~~s~~Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* or other discretionary approval is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with ~~s~~Section 126.0402(j) except for the following, which are subject to approval in accordance with Process One:
 - (1) through (8) [No change in text.]
- (b) through (c) [No change in text.]

- (d) A Neighborhood Development Permit decided in accordance with Process Two shall be required for pedestrian plaza encroachments in the *public right-of-way* which are beyond the established curb line.

§129.0715 Encroachment Maintenance and Removal Agreement

- (a) An Encroachment Maintenance and Removal Agreement is required for any privately-owned and/or privately-maintained ~~facilities or structures~~ encroachment located in the *public right-of-way* or in a *public service easement* ~~constructed and maintained by the property owner~~ subject to the following:
- (1) The *encroachment* shall not adversely affect the public's health, safety, or general welfare and shall be installed and maintained in a safe and sanitary condition at the sole cost, risk and responsibility of the ~~owner~~ record owner or permit holder, and ~~successors in interest~~ as applicable, to the satisfaction of the City Engineer and ~~shall not adversely affect the public's health, safety or general welfare.~~
 - (2) The ~~property owner~~ record owner or permit holder, as applicable, shall agree to indemnify the City with an indemnification agreement satisfactory to the City Manager and City Attorney.
 - (3) The ~~property owner~~ record owner or permit holder, as applicable, ~~must~~ shall agree to and shall remove or relocate the *encroachment* to the satisfaction of the City Engineer within 30 days after notice by the City Engineer, or the City Engineer may cause such work to

be done, and the costs thereof shall be a lien upon said land, or the ~~property owner~~ record owner or permit holder, as applicable, shall agrees to an equivalent to the requirement for removal as determined by the City Engineer.

- (4) For ~~structures encroaching~~ encroachments over or under the *public right-of-way*, the ~~property owner~~ record owner or permit holder, as applicable, shall agrees to and shall provide an alternate *public right-of-way* or to relocation of any existing or proposed City facility to a new alignment, all without cost or expense to the City, whenever it is determined by the City Engineer that any existing or proposed City facility cannot be economically placed, replaced, or maintained due to the presence of the ~~encroaching structure~~ encroachment.
- (5) [No change in text.]
- (6) Except as provided in Section 129.0715(a)(7), the ~~property owner~~ record owner or permit holder, as applicable, shall maintain a policy of \$1 million liability insurance, satisfactory to the City Engineer, to protect the City from any potential claims which may arise from the *encroachment*.
- (7) ~~The property owner of an encroachment serving a single dwelling unit~~ For encroachments serving a single dwelling unit, the record owner or permit holder, as applicable, shall maintain a policy of \$500,000 liability insurance, ~~for encroachments serving a single-~~

~~dwelling unit~~ satisfactory to the City Engineer to protect the City from any potential claims which may arise from the ~~encroachments~~.

- (8) In the event the City is required to place, replace, or maintain a *public improvement* over which the ~~property owner~~ record owner or permit holder, as applicable, has constructed an ~~encroaching structure~~ encroachment, the ~~property owner~~ record owner or permit holder shall pay the City that portion of the cost of placement, replacement, or maintenance caused by the construction, or existence of the ~~owner's permanent encroaching structure~~ encroachment.
- (9) The ~~property owner~~ record owner or permit holder, as applicable, shall pay the City for all the cost of placing, replacing, or maintaining a *public improvement* within a *public right-of-way* when the City's facility has failed as a result of the construction or existence of the ~~owner's encroaching structure~~ encroachment.
- (10) [No change in text.]
- (11) The ~~property owner~~ record owner or permit holder, as applicable, shall pay the City or public utility, as applicable, for all costs of relocating, replacing, or protecting a facility within the *public right-of-way* or *public service easement* when such relocation, replacement, or protection results from the construction or existence of the *encroachment*.

~~(12)(b)~~ The City may require a *record owner* or *permit holder*, as applicable, to
record the Encroachment Maintenance and Removal Agreements ~~for~~
~~approved *encroachments* shall be recorded in the~~ Office of the County
Recorder.

§129.0720 Qualifications to Prepare Plans and Perform Construction Work in the Public Right-of-Way or Public Service Easement

The preparation of plans for and the construction of, work regulated by this division shall only be performed by persons with the following qualifications:

(a) through (e) [No change in text.]

(f) All construction work ~~required~~ regulated by this division shall be performed by a contractor licensed by the State of California, ~~except that~~
with the following exceptions:

(1) ~~a~~Any person owning property that is or will be that person's primary residence may perform *grading* on that property, ~~and~~

(2) ~~a~~Any construction work authorized by a Public Right-of-Way Permit as a result of application by a *public utility* may be performed by the *public utility*.

§129.0743 Initial Utilization of a Public Right-of-Way Permit

~~A Public Right-of-Way Permit shall become void if the work authorized by the permit has not begun within 180 calendar days of the date of permit issuance.~~

§129.0744 Maintaining Utilization of a Public Right-of-Way Permit

~~A Public Right-of-Way Permit shall become void if, at any time after the work has begun, the work authorized by the permit is suspended or abandoned for a~~

~~period of 180 calendar days, unless the Public Right of Way Permit is associated with a valid Building Permit.~~

§129.0802 When a Sign Permit Is Required

A Sign Permit is required for the installation or alteration of any *sign*, except for those *signs* specifically exempted in Section 129.0803. ~~Sign Permit Stickers are required for each *sign*. The sticker is applicable to one *sign* at one location only, and is transferable to a new owner or lessee.~~

§129.0804 General Rules for Sign Permits

(a) through (d) [No change in text.]

(e) ~~A Sign Permit Sticker will be issued for each *sign* for which a Sign Permit is issued. Each sticker is applicable to only one *sign* and for only the location specified in the permit. The sticker is not transferable from one *sign* to another; however, the sticker is transferable to a new owner or lessee. Stickers must be maintained in a legible state.~~

§129.0806 Sign Permit Fees

(a) ~~A fee for each Sign Permit application shall be paid at the time of application. Fees for Sign Permits shall be paid in accordance with the schedule of fees established by resolution of the City Council and filed in the office of the City Clerk.~~

(b) ~~The City Manager is authorized to issue refunds for all of a portion of the fees, in the event that the work authorized by the Sign Permit has not been performed and no inspections have been made. The refund will be issued within 90 calendar days from the date of permit issuance. Before a refund~~

~~is issued, the applicant shall return the permittee's copy of the issued permit and the Sign Permit Sticker.~~

§129.0811 Initial Utilization of a Sign Permit

~~A Sign Permit shall become void if the work authorized by the permit has not begun within 180 calendar days of the date of permit issuance. If a Sign Permit becomes void before the authorized work has begun, the applicant shall apply for a new permit and shall pay the full permit fee.~~

§129.0812 Maintaining Utilization of a Sign Permit

~~A Sign Permit shall become void if the work that is authorized by the permit has begun, but is suspended or abandoned for a period of 180 calendar days. If the work is suspended or abandoned for 180 calendar days, a new permit application is required. The permit fee shall be one-half the standard permit fee, provided that no change has been made to the original plans and that the work has not been abandoned or suspended for more than one year.~~

§129.0813 Expiration of a Sign Permit

~~A Sign Permit shall expire by limitation and become void 24 months after the date of permit issuance. If the work authorized by the Sign Permit has not been completed and has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued. If a Sign Permit expires, a new permit application, with the full permit fee, is required.~~

§129.0815 Sign Permit Inspections

~~All work authorized by a Sign Permit shall be inspected in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.~~

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) through (5) [No change in text.]

(6) Commercial Services Use Category

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

(A) through (I) [No change in text.]

~~(J) Assembly and Entertainment - Uses that provide gathering places for large numbers of people for recreation, physical fitness, entertainment, or other assembly.~~

~~(K)~~(J) Radio and Television Studios - Uses that provide for the production, recording, and broadcasting of radio and television shows and motion pictures.

~~(L)~~(K) Visitor Accommodations - Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily

to visitors and tourists. (Outside the Coastal Overlay Zone, includes ~~single room occupancy~~ SRO hotels.)

- (L) Tasting rooms - Uses accessory to a beverage manufacturing plant that offer tastings and sell beverages manufactured on the premises for on-site or off-site consumption. The subcategory includes establishments such as breweries, wineries, and distilleries that offer tastings and sales of alcoholic beverages in accordance with a license issued by the California Department of Alcoholic Beverage Control. This subcategory does not include uses that qualify as retail tasting stores under Section 141.0507.

(7) through (8) [No change in text.]

- (9) ~~Wholesale, Distribution, and~~ Storage Use Category

This category includes uses that ~~provide and~~ distribute and store goods in large quantities, ~~especially to retail sales establishments.~~

Long-term and short-term storage of commercial goods and personal items is included. The ~~wholesale, distribution, storage~~ subcategories are:

- (A) Equipment and Materials Storage Yards— ~~Uses related to engaged in the~~ outdoor storage of large equipment or products or large quantities of material.

(B) Moving and Storage Facilities — Uses engaged in the moving and storage of household or office furniture, personal items, appliances, and equipment ~~from one location to another, including the temporary storage of those same items.~~

~~(C)~~ Warehouse — ~~Uses engaged in long term and short term storage of goods in bulk as well as storage by individuals in separate storage compartments.~~

~~(D)~~(C) Wholesale Distribution Facilities — Uses engaged in the ~~bulk~~ commercial storage and distribution of goods. ~~Wholesale showrooms are also included.~~

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The ~~industrial~~ subcategories are:

(A) Heavy Manufacturing — Uses that process, fabricate, assemble, or treat materials, ~~for the fabrication of large base sector products. Assembly of large equipment and machines is included in this~~

using large outdoor equipment such as cranes and large tanks to produce unpackaged bulk products such as steel, paper, lumber, fertilizer, or petrochemicals. This subcategory as well as includes heavy manufacturing uses that typically produce disturbing noise, dust, or other pollutants capable of harming or annoying adjacent uses.

- (B) Light Manufacturing — Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosives or unrefined petroleum materials. (This subcategory does not include the assembly of large equipment and machinery.) This subcategory includes light manufacturing uses that produce a wide variety of products including, but not limited to, food, beverages, durable goods, machinery, or equipment.

(C) through (E) [No change in text.]

(11) [No change in text.]

(b) [No change in text.]

§131.0202 Purpose of the OP (Open Space--Park) Zones

- (a) The purpose of the OP zones is to be applied to *public parks* and facilities, ~~once they are dedicated as park land pursuant to City Charter Section 55 in~~ order to promote recreation and facilitate the implementation of *land use*

plans. The uses permitted in these zones will provide for various types of recreational needs of the community.

(b) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

Table 131-02B
Use Regulations Table of for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-		OR ⁽¹⁾ -	
	3rd >>	1-	2-	1-		1-	1-
	4th >>	1	1	1	1	2	1
Open Space through Residential, Separately Regulated Residential Uses: , Watchkeeper Quarters [No change in text.]		[No change in text.]					
Institutional							
<i>Churches & Places of Religious Assembly</i>	P ⁽²⁾	-	-	-	-	-	-
Institutional, Separately Regulated Institutional Uses through Retail Sales, Separately Regulated Retail Sales Uses: , Retail Farms [No change in text.]		[No change in text.]					
<u>Retail Tasting Stores</u>		=	=	=	=	=	=
Retail Sales, Separately Regulated Retail Sales Uses: , Swap Meets & Other Large Outdoor Retail Facilities through Commercial Services, Personal Services [No change in text.]		[No change in text.]					
Assembly & Entertainment	P ⁽²⁾	-	-	-	-	-	-
Radio & Television Studios		[No change in text.]					
<u>Tasting Rooms</u>		=	=	=	=	=	=
Visitor Accommodations through Commercial Services, Separately Regulated Commercial Services Uses , Adult Entertainment Establishments: Sexual Encounter Establishment [No change in text.]		[No change in text.]					

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
<u>Assembly and Entertainment Uses, Including Places of Religious Assembly</u>		<u>L⁽²⁾</u>	=	=	=		=
Commercial Services, Separately Regulated Commercial Services Uses , Bed & Breakfast Establishments: through <i>Child Care Facilities</i> , Small Family Child Care Homes [No change in text.]		[No change in text.]					
Eating and Drinking Establishments Abutting Residentially-Zoned Property <u>with a Drive-in or Drive-through Component</u>		-	-	-	-		-
Fairgrounds through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses :, Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]		[No change in text.]					
Wholesale, Distribution, <u>and</u> Storage							
Equipment & Materials Storage Yards		[No change in text.]					
Moving & Storage Facilities		[No change in text.]					
Warehouses		-	-	-	-		-
Wholesale Distribution <u>Facilities</u>		[No change in text.]					
Separately Regulated Wholesale, Distribution, and Storage Uses:							
Wholesale, Distribution, <u>and</u> Storage, Separately Regulated Wholesale, Distribution, and Storage Uses , Impound Storage Yards through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table of for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]			
Companion Units		-		€ L	
Residential, Separately Regulated Residential Uses, Employee Housing: through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories [No change in text.]		[No change in text.]			
Churches & Places of Religious Assembly		-		€	
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Retail Sales, Separately Regulated Retail Sales Uses, Retail Farms [No change in text.]		[No change in text.]			
<u>Retail Tasting Stores</u>		=		=	
Retail Sales, Separately Regulated Retail Sales Uses, Swap Meets & Other Large Outdoor Retail Facilities through Commercial Services, Personal Services Separately Regulated Commercial Services Uses [No change in text.]		[No change in text.]			
Assembly & Entertainment		-		-	
Radio & Television Studios		[No change in text.]			
<u>Tasting Rooms</u>		=		=	
Commercial Services, Visitor Accommodations through Commercial Services, Separately Regulated Commercial Services Uses, Adult Entertainment Establishments:, Adult Book Store through Sexual Encounter Establishment [No change in text.]		[No change in text.]			

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<u>Assembly and Entertainment Uses, Including Places of Religious Assembly</u>		=		<u>C</u>	
Commercial Services, Separately Regulated Commercial Services Uses, Bed & Breakfast Establishments through Separately Regulated Commercial Services Uses, <i>Child Care Facilities</i>; Small Family Child Care Homes [No change in text.]		[No change in text.]			
Eating and Drinking Establishments Abutting Residentially-Zoned Property with a Drive-in or Drive-through Component		-		-	
Commercial Services, Separately Regulated Commercial Services Uses, Fairgrounds through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]		[No change in text.]			
Wholesale, Distribution, <u>and</u> Storage					
Equipment & Materials Storage Yards		[No change in text.]			
Moving & Storage Facilities		[No change in text.]			
Warehouses		-		-	
Wholesale Distribution <u>Facilities</u>		[No change in text.]			
Wholesale, Distribution, <u>and</u> Storage, Separately Regulated Wholesale, Distribution, and Storage Uses, Impound Storage Yards through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table of for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-	RS-														RX-		RT-						
	3rd >>	1-	1-														1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Open Space through Institutional [No change in text.]		[No change in text.]																							
Churches & Places of Religious Assembly		-	-														-		-						
Institutional, Separately Regulated Institutional Uses, Airports through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers [No change in text.]		[No change in text.]																							
Educational Facilities: <u>Educational Facilities:</u>		[No change in text.]																							
Institutional, Separately Regulated Institutional Uses, Educational Facilities: Kindergarten through Grade 12 through Retail Sales, Wearing Apparel & Accessories [No change in text.]		[No change in text.]																							
Separately Regulated <u>Retail</u> Sales Uses																									
Retail Sales, Separately Regulated <u>Retail Sales Uses</u> , Agriculture Related Supplies & Equipment through Retail Sales, Separately Regulated <u>Retail</u> Sales Uses, Retail Farms [No change in text.]		[No change in text.]																							
<u>Retail Tasting Stores</u>		=	=														=		=						
Retail Sales, Separately Regulated <u>Retail Sales Uses</u> Swap Meets & Other Large Outdoor Retail Facilities through Commercial Services, Radio & Television Studios [No change in text.]		[No change in text.]																							
Assembly & Entertainment		-	-														-		-						
<u>Tasting Rooms</u>		=	=														=		=						
Visitor Accommodations		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	RE-	RS-												RX-		RT-									
	3rd >>	1-	1-												1-		1-									
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4		
Commercial Services, Separately Regulated Commercial Services Uses through Commercial Services, Separately Regulated Commercial Services Uses, Adult Entertainment Establishments: Sexual Encounter Establishment [No change in text.]	[No change in text.]																									
<u>Assembly and Entertainment Uses, Including Places of Religious Assembly</u>	=	=												=		=										
Commercial Services, Separately Regulated Commercial Services Uses, Bed & Breakfast - Establishments: through <i>Child Care Facilities</i>: [No change in text.]	[No change in text.]																									
Child Care Centers <u>Child Care Centers</u>	[No change in text.]																									
Large Family Child Care Homes	[No change in text.]																									
Small Family Child Care Homes	[No change in text.]																									
Eating and Drinking Establishments Abutting Residentially Zoned Property with a Drive-in or Drive-through Component	-	-												-		-										
Commercial Services, Separately Regulated Commercial Services Uses, Fairgrounds through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]	[No change in text.]																									
Wholesale, Distribution, and Storage																										
Equipment & Materials Storage Yards	[No change in text.]																									
Moving & Storage Facilities	[No change in text.]																									
Warehouses	-	-												-		-										
Wholesale Distribution <u>Facilities</u>	[No change in text.]																									

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-	RS-														RX-		RT-						
	3rd >>	1-	1-														1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Separately Regulated Wholesale, Distribution, and Storage Uses																									
Wholesale, Distribution, and Storage, Separately Regulated Wholesale, Distribution, and Storage Uses, Impound Storage Yards through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Institutional [No change in text.]		[No change in text.]											
Churches & Places of Religious Assembly		P			P			P			P		P
Institutional, Separately Regulated Institutional Uses through Retail Sales, Wearing Apparel & Accessories [No change in text.]		[No change in text.]											
Separately Regulated <u>Retail</u> Sales Uses													
Retail Sales, Separately Regulated <u>Retail</u> Sales Uses, Agriculture Related Supplies & Equipment through Separately Regulated <u>Retail</u> Sales Uses, Retail Farms [No change in text.]		[No change in text.]											
Retail Tasting Stores		=			=			=			=		=

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Retail Sales, Separately Regulated Retail Sales Uses, Swap Meets & Other Large Outdoor Retail Facilities through Commercial Services, Personal Services [No change in text.]		[No change in text.]											
Assembly & Entertainment		-			-			-			-		P
Radio & Television Studios		[No change in text.]											
<u>Tasting Rooms</u>		=			=			=			=		=
Commercial Services, Visitor Accommodations through Commercial Services, Separately Regulated Commercial Services Uses, Adult Entertainment Establishments:, Adult Book Store through Sexual Encounter Establishment [No change in text.]		[No change in text.]											
<u>Assembly and Entertainment Uses, Including Places of Religious Assembly</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>
Commercial Services, Separately Regulated Commercial Services Uses, Bed & Breakfast Establishments: through Child Care Facilities:, Small Family Child Care Homes [No change in text.]		[No change in text.]											
<u>Eating and Drinking Establishments Abutting Residentially Zoned-Property with a Drive-in or Drive-through Component</u>		-			-			-			-		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Commercial Services, Separately Regulated Commercial Services Uses, Fairgrounds through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]		[No change in text.]											
Wholesale, Distribution, <u>and</u> Storage													
Equipment & Materials Storage Yards		[No change in text.]											
Moving & Storage Facilities		[No change in text.]											
Warehouses		-			-			-			-		-
Wholesale Distribution <u>Facilities</u>		[No change in text.]											
Separately Regulated Wholesale, Distribution, and Storage Uses													
Wholesale, Distribution, <u>and</u> Storage, Separately Regulated Wholesale, Distribution, and Storage Uses, Impound Storage Yards through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [No change in text.]

§131.0448 Accessory Buildings in Residential Zones

This section is intended to clarify the regulations applicable to non-habitable *accessory buildings* in residential zones.

(a) through (b) [No change in text.]

- (c) Non-habitable *accessory buildings* or ~~detached~~ garages may encroach into required *yards* subject to the requirements in Section 131.0461.
- (d) [No change in text.]

§131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) The following are permitted *architectural projections* and *encroachments* into required *yards* and the angled *building envelope* plane for RS and RX zones, and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.
 - (1) Roof projections such as eave, cornice, and eyebrow projections may extend into the required *yard* or into the space above the angled *building envelope* subject to the following:
 - (A) through (C) [No change in text.]
 - (D) ~~The projection~~ A roof design element may project into the space above the required angled *building envelope* plane, as depicted in Diagram 131-04S, ~~subject to the following~~ provided that the roof design element:
 - (i) Faces the front yard;
 - (ii) Does not encroach into any required yard;

- (iii) Complies with all applicable *structure height* limits
in accordance with Section 113.0270; and
- (iv) ~~is~~ Is limited to a maximum of 33 percent of the
width of the *building envelope* facing the front *yard*,
and a maximum depth equal to or less than its
width. ~~See Diagram 131-04S.~~

Diagram 131-04S

Exception for Angled Building Envelope Area

[No change in text.]

(2) through (11) [No change in text.]

- (12) ~~G~~Garages or non-habitable *accessory buildings* may encroach into
a required side or rear *yard* as follows:
 - (A) The *lot* size shall not exceed 10,000 square feet ~~of area; and~~
 - (B) The encroaching *accessory building* shall be limited to a
maximum *structure height* of 15 feet within the *setback*; ~~and~~
 - (C) The encroaching *accessory structure* shall not share a
common wall with the primary *dwelling unit*, but may be
attached via a non-structural design element. Any
development attached to the *accessory building* above one
story shall comply with the *setback*; ~~and~~
 - ~~(C)~~(D) The *accessory building* shall not exceed a maximum length
of 30 feet within any given *setback*; and

~~(D)~~(E) An encroaching *accessory building* shall not exceed 525 square feet in *gross floor area*.

(b) [No change in text.]

(c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, *architectural projections* and *encroachments* listed in Section 131.0461(a) are permitted with the following limitations. No permitted *architectural projection* or *encroachment* may be located in required *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone, in a required *visibility area*, a required turning radius, or vehicle back-up area except where development regulations may allow.

(1) through (3) [No change in text.]

(4) Garages or non-habitable *accessory buildings* that meet the requirements in Sections 131.0461(a)(12)(A) through 131.0461(a)(12)~~(D)~~(E) may only encroach into a required side or rear *yard* if they are detached.

(5) [No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >> 3rd >> 4th >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
		1-			1-	2-	1-		1-		1-
		1	2	3	1	1	1	2	1	2	1
Open Space through Institutional [No change in text.]		[No change in text.]									
Churches & Places of Religious Assembly		P⁽⁺⁰⁾			P	P	P		P⁽⁺⁰⁾		-
Institutional, Separately Regulated Institutional Uses, through Retail Sales, Separately Regulated Retail Sales Uses, Retail Farms [No change in text.]		[No change in text.]									
<u>Retail Tasting Stores</u>		<u>L</u>			<u>L</u>	<u>L</u>	<u>L</u>		<u>L</u>		=
Retail Sales, Separately Regulated Retail Sales Uses, Swap Meets & Other Large Outdoor Retail Facilities through Commercial Services, Business Support [No change in text.]		[No change in text.]									
Eating & Drinking Establishments		P ^(4,16)			P ⁽¹⁶⁾	P ⁽¹⁶⁾	P ^(5,16)		P ⁽¹⁶⁾		-
Financial Institutions through Personal Services [No change in text.]		[No change in text.]									
Assembly & Entertainment		P⁽⁺⁰⁾			P	P	P		P⁽⁺⁰⁾		-
Radio & Television Studios		[No change in text.]									
<u>Tasting Rooms</u>		=			=	=	=		=		=
Commercial Services, Visitor Accommodations through Commercial Services, Separately Regulated Commercial Services Uses, Adult Entertainment Establishments:, Adult Book Store through Sexual Encounter Establishment [No change in text.]		[No change in text.]									
<u>Assembly and Entertainment Uses, Including Places of Religious Assembly</u>		<u>L⁽¹⁰⁾</u>			<u>L</u>	<u>L</u>	<u>L</u>		<u>L⁽¹⁰⁾</u>		=
Commercial Services, Separately Regulated Commercial Services Uses, Bed & Breakfast Establishments: through Commercial Services, Separately Regulated Commercial Services Uses, Child Care Facilities:, Small Family Child Care Homes [No change in text.]		[No change in text.]									
Eating and Drinking Establishments Abutting-Residentially Zoned Property		L			L	L	L		L		-
<u>Eating and Drinking Establishments with a Drive-in or Drive-through Component</u>		=	<u>C</u>	=	<u>P</u>		<u>P</u>		<u>P</u>	=	=

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Commercial Services, Separately Regulated Commercial Services Uses , Fairgrounds through Vehicle & Vehicular Equipment Sales & Service , Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [No change in text.]		[No change in text.]									
Wholesale, Distribution, and Storage											
Equipment & Materials Storage Yards		[No change in text.]									
Moving & Storage Facilities		[No change in text.]									
Warehouses		-	-		P ⁽⁸⁾		-		-		-
Wholesale Distribution Facilities		[No change in text.]									
Separately Regulated Wholesale, Distribution, and Storage Uses											
Wholesale, Distribution, and Storage, Separately Regulated Wholesale, Distribution, and Storage Uses , Impound Storage Yards through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]									

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-	2-	3-	4-	5-													
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Open Space through Institutional [No change in text.]		[No change in text.]																	
Churches & Places of Religious Assembly		P		P		P		P		P									
Institutional, Separately Regulated Institutional Uses, Airports through Retail Sales, Separately Regulated Retail Sales Uses, Retail Farms [No change in text.]		[No change in text.]																	
Retail Tasting Stores		L		L		L		L		L									
Retail Sales, Separately Regulated Retail Sales Uses, Swap Meets & Other Large Outdoor Retail Facilities through Commercial Services, Business Support [No change in text.]		[No change in text.]																	
Eating & Drinking Establishments		P(16)		P(16)		P(16)		P(16)		P(16)									

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-	2-	3-	4-	5-													
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Commercial Services, Financial Institutions through Personal Services [No change in text.]		[No change in text.]																	
Assembly & Entertainment		P		P		P		P					P						
Radio & Television Studios		[No change in text.]																	
Tasting Rooms		-(17)		-(17)		-(17)		-(17)					P(17)						
Commercial Services, Visitor Accommodations through Commercial Services, Separately Regulated Commercial Services Uses, Adult Entertainment Establishments:, Adult Book Store, Sexual Encounter Establishment [No change in text.]		[No change in text.]																	
Assembly and Entertainment Uses, Including Places of Religious Assembly		L		L		L		L					L						
Commercial Services, Separately Regulated Commercial Services Uses, Bed & Breakfast Establishments: through Commercial Services, Separately Regulated Commercial Services Uses, Child Care Facilities:, Small Family Child Care Homes [No change in text.]		[No change in text.]																	
Eating and Drinking Establishments Abutting-Residentially Zoned Property with a Drive-in or Drive-through Component		LP		LP		LP		LP					LP						
Commercial Services, Separately Regulated Commercial Services Uses, Fairgrounds through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Automobile Service Stations [No change in text.]		[No change in text.]																	
Outdoor Storage & Display of New, uUnregistered Motor Vehicles as a pPrimary uUse		[No change in text.]																	
Wholesale, Distribution, and Storage																			
Equipment & Materials Storage Yards		[No change in text.]																	
Moving & Storage Facilities		[No change in text.]																	
Warehouses		-		-		=		P(8)					P(8)						
Wholesale Distribution Facilities		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																			
	1st & 2nd >>	CC-																			
	3rd >>	1-		2-		3-		4-					5-								
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5		
Separately Regulated Wholesale, Distribution, and Storage Uses																					
Wholesale, Distribution, and Storage, Separately Regulated Wholesale, Distribution, and Storage Uses, Impound Storage Yards through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																			

Footnotes to for Table 131-05B

- ¹ Uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight in Commercial-Neighborhood (CN) zones.
- ² through ³ [No change in text.]
- ⁴ ~~Drive-in and drive-through restaurants, live~~ Live entertainment, and the sale of intoxicating beverages other than beer and wine are not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted via a Planned Development Permit in accordance with Section 126.0602(b)(1).
- ⁵ through ⁹ [No change in text.]
- ¹⁰ This use is not allowed within the Coastal Overlay Zone, except that assembly and entertainment uses may be incorporated as an accessory use to visitor accommodations.
- ¹¹ through ¹⁵ [No change in text.]
- ¹⁶ Eating and drinking establishments abutting residential development located in a residential zone may operate only between 6:00 a.m. and 12:00 midnight.
- ¹⁷ Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant.

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to residential *development* within commercial zones where indicated in Table ~~131-04B~~ 131-05B:

(a) through (f) [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>>	1	1	1	1	1	1	1	1	1	1
Open Space through Institutional [No change in text.]	[No change in text.]										
Churches & Places of Religious Assembly	-	-	-	-	<u>p(+1,+6)</u>	<u>p(+6)</u>	-	-	<u>p(+12,+6)</u>	-	-
Institutional, Separately Regulated Institutional Uses through Retail Sales, Separately Regulated Retail Sales Uses, Retail Farms [No change in text.]	[No change in text.]										
<u>Retail Tasting Stores</u>	<u>z</u>	<u>z</u>	<u>z</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>z</u>	<u>z</u>	<u>L</u>	<u>z</u>	<u>z</u>
Retail Sales, Separately Regulated Retail Sales Uses, Swap Meets & Other Large Outdoor Retail Facilities through Commercial Services, Business Support [No change in text.]	[No change in text.]										
Eating & Drinking Establishments	-	<u>p(7,18)</u>	<u>p(7,18)</u>	<u>p(7,18)</u>	<u>p(7,18)</u>	<u>p(18)</u>	-	<u>p(7)</u>	<u>p(4,18)</u>	<u>p(7,18)</u>	<u>p(7,18)</u>
Commercial Services, Financial Institutions through Personal Services [No change in text.]	[No change in text.]										
Assembly & Entertainment	-	-	-	-	<u>p(+1,+6)</u>	<u>p(+6)</u>	-	-	<u>p(+12,+6)</u>	-	-
Radio & Television Studios	[No change in text.]										
<u>Tasting Rooms</u>	<u>p(20)</u>	<u>p(20)</u>	<u>z(20)</u>	<u>p(20)</u>	<u>p(20)</u>	<u>p(20)</u>	<u>p(20)</u>	<u>p(20)</u>	<u>p(20)</u>	<u>p(20)</u>	<u>p(20)</u>
Commercial Services, Visitor Accommodations through Commercial Services, Separately Regulated Commercial Services Uses, Adult Entertainment Establishments, Sexual Encounter Establishment [No change in text.]	[No change in text.]										
<u>Assembly and Entertainment Uses, Including Places of Religious Assembly</u>	-	-	-	-	<u>L</u>	<u>L</u>	-	-	<u>L</u>	-	-
Commercial Services, Separately Regulated Commercial Services Uses, Bed & Breakfast Establishments through Commercial Services, Separately Regulated Commercial Services Uses, Child Care Facilities, Small Family Child Care Homes through Child Care Facilities [No change in text.]	[No change in text.]										
<u>Child Care Facilities:</u>											
Child Care Centers	<u>L</u>	<u>L</u>	<u>L</u>	-	<u>L</u>	<u>L</u>	-	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Large Family Child Care Homes through Small Family Child Care Homes [No change in text.]	[No change in text.]										

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Eating and Drinking Establishments Abutting Residentially Zoned Property <u>with a Drive-in or Drive-through Component</u>	-	- <u>C</u>	- <u>C</u>	- <u>C</u>	- <u>C</u>	- <u>C</u>	<u>LP</u>	-	- <u>C</u>	-	- <u>C</u>
Commercial Services, Separately Regulated Commercial Services Uses, Fairgrounds through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Automobile Service Stations [No change in text.]	[No change in text.]										
Outdoor Storage & Display of New, u Unregistered Motor Vehicles as a <i>p</i> <u>Primary Use</u>	[No change in text.]										
Wholesale, Distribution, <u>and</u> Storage											
Equipment & Materials Storage Yards	[No change in text.]										
Moving & Storage Facilities	[No change in text.]										
Warehouses	-	-	-	P	P	P	P	P	P	P	P
Wholesale Distribution <u>Facilities</u>	- <u>P</u> ⁽¹⁹⁾	P	-	P	P	P	P	P	P	P	P
Separately Regulated Wholesale, Distribution, and Storage Uses											
Wholesale, Distribution, <u>and</u> Storage, Separately Regulated Wholesale, Distribution, and Storage Uses, Impound Storage Yards through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B¹ through ¹⁷ [No change in text.]¹⁸ Eating and drinking establishments abutting residential development located in a residential zone may operate only between 6:00 a.m. and 12:00 midnight.¹⁹ Distribution facilities are permitted in the IP-1-1 zone only within the Otay Mesa Community Plan area.²⁰ Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant.**§131.0623 Additional Use Regulations of Industrial Zones**

The additional use regulations identified in this sSection are applicable to uses where indicated in Table 131-06B.

(a) [No change in text.]

- (b) Eating and drinking establishments are permitted subject to the following:
 - (1) [No change in text.]
 - (2) No live entertainment is permitted on ~~the~~ a premises in an IH zone
or on any premises abutting a residential zone; and
 - (3) ~~No Establishments with drive-in or drive-through services are~~
~~permitted~~ subject to Section 141.0607; and
 - (4) Establishments abutting residential zones may operate only
between 6:00 a.m. and midnight.
- (c) through (d) [No change in text.]
- (e) Light manufacturing and assembly uses in the IP-1-1 zone and IP-3-1 zone are limited to the following:
 - (1) through (5) [No change in text.]
 - (6) Manufacturing of biological, biomedical, and pharmaceutical products; ~~and~~
 - (7) Manufacturing of scientific, engineering, and medical instruments;
and
 - (8) Within the IP-1-1 zone only, beverage and food manufacturing and
production. Beverage manufacturing operations may include a
tasting room as an accessory use.
- (f) through (j) [No change in text.]

§141.0302 Companion Units

A companion unit is a *dwelling unit* that is an *accessory use* for a *single dwelling unit* on a residential *lot* that provides complete living facilities, including a

kitchen, independent of the primary *dwelling unit*. Companion units are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations:-

(a) through (i) [No change in text.]

~~(j)~~ Access to the *off-street parking* from an unimproved *alley* is not permitted.

~~(k)~~(j) The *gross floor area* of the companion unit shall be included in the *floor area ratio* calculation for the *premises*.

~~(l)~~(k) The *gross floor area* of the companion unit shall not exceed 700 square feet.

~~(m)~~(l) One 24-inch box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.

~~(n)~~(m) Maximum *structure height* for companion units:

(1) through (2) [No change in text.]

~~(o)~~(n) Companion unit entrances shall not be located on the building *street wall* or within the front 50 percent of the *structure*.

~~(p)~~ The companion unit shall be constructed with the same siding and roofing materials as the primary *dwelling unit*.

~~(q)~~(o) Within the Coastal Overlay Zone, companion units are subject to the provisions of Chapter 12, Article 6, Division 7.

§141.0405 Satellite Antennas

Satellite antennas are permitted as a limited use subject to Section 141.0405(b), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(c), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(d).

(a) Exemption. ~~Satellite antennas that are 5 feet in diameter or smaller are permitted in all zones and~~ The following satellite antennas are exempt from the requirements under Sections 141.0405 and 141.0420:

(1) Satellite antennas that are 5 feet in diameter or smaller; and

(2) In industrial zones, satellite antennas that are accessory uses.

(b) Limited Use Regulations. Satellite *antennas* that exceed 5 feet in diameter are permitted as a limited use in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

(1) through (4) [No change in text.]

(5) Ground-mounted satellite *antennas* shall not be located in the ~~street yard~~ street yard, front ~~yard~~ yard, or ~~street~~ street side ~~yard~~ yard of a ~~premises~~ premises.

(6) through (8) [No change in text.]

(c) [No change in text.]

(d) Conditional Use Permit Regulations. ~~Except for satellite antennas which are accessory uses in industrial zones, where exempt in accordance with~~ Section 141.0405(a)(2), satellite *antennas* that exceed 10 feet in diameter

may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations:

(1) through (3) [No change in text.]

§141.0411 Historical Buildings Occupied by Uses Not Otherwise Allowed

Historical buildings occupied by uses not otherwise allowed may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) through (b) [No change in text.]

(c) The use of the building shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed. In order to minimize detrimental effects to neighboring properties, any proposed separately regulated uses in a historical building shall comply with the regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

(d) through (h) [No change in text.]

§141.0504 Plant Nurseries

For the purpose of Section 141.0504, plant nurseries are commercial establishments where plants are cultivated and grown for transplant, distribution, and sale that have a sales transaction area greater than 300 square feet. Plant nurseries are permitted in the zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Plant nurseries may be permitted with a Conditional Use Permit decided in accordance with Process Three in the

zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

(a) through (b) [No change in text.]

(c) Off-street parking shall be provided at a level sufficient to serve the ~~facility~~ establishment without impacting adjacent or nearby property.

(d) Section 141.0504 shall not apply to the sale of plants from a garden center or other retail store, which is permitted in zones that allow the sale of consumer goods.

§141.0507 **Retail Tasting Stores**

Retail tasting stores are branch locations of an affiliated licensed beer manufacturer, which sell or deliver alcoholic beverages produced by that manufacturer. Consumption of the applicable beverage may be on or off the premises of the retail tasting store. Retail tasting stores are establishments with Duplicate Type 1 Beer Manufacturer Licenses or a Duplicate Type 23 Small Beer Manufacturer Licenses issued by the California Department of Alcoholic Beverage Control. This Section does not apply to tasting rooms located on the premises of a licensed beer manufacturer. No beer manufacturing shall occur on the premises of the retail tasting store.

Retail tasting stores are permitted as a limited use in the zones indicated with a “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following:

- (a) Off-street parking shall be provided in accordance with Section 142.0530 Table 142-05E (Parking Ratios for Retail Sales, Commercial Services, and Mixed-Use Development); and
- (b) Retail tasting stores shall not operate between 12:00 midnight and 6:00 a.m. in CN zones or on *premises* abutting residentially zoned property.

§141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are permitted as a limited use in accordance with Process One in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (c).

(a) General Regulations

- (1) Assembly and entertainment uses are not permitted:
 - (A) Within the *MHPA*;
 - (B) Within *floodplains* located in the Coastal Overlay Zone; or
 - (C) On a *premises* that is identified as Prime Industrial Land in a *land use plan*.

(2) Assembly and entertainment uses shall provide off-street parking according to the following:

(A) If the specific type of assembly and entertainment use is specified in Table 142-05G, the applicable off-street parking standard in Table 142-05G shall apply.

(B) If the specific type of assembly and entertainment use is not specified in Table 142-05G, off-street parking shall be provided as follows:

(i) If seating is fixed, one parking space shall be provided per three seats in the assembly area or one parking space per 60 inches of bench or pew seating space, whichever is greater.

(ii) If seating is not fixed, 30 parking spaces shall be provided per 1,000 square feet of assembly area.

(3) Auditoriums that are an *accessory use* to professional office or industrial *development* are not subject to Section 141.0602.

(b) Limited Use Regulations

(1) The facility shall be designed to accommodate a maximum of 300 people.

(2) Assembly and entertainment facilities adjacent to residentially zoned property shall not operate between 10:00 p.m. and 6:00 a.m., except that such facilities may operate until 11:00 p.m. on Fridays

and Saturdays. Places of religious assembly shall not be subject to the limitations of Section 141.0602(b)(2).

- (3) Parking shall be accommodated on-site.
- (4) Deviations from Section 141.0602(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three.

(c) Conditional Use Regulations

The decision maker shall consider, and may impose conditions to address, the following:

- (1) Hours of operation shall be limited to minimize disturbance to neighboring *development* from noise and lights.
- (2) *Structures* shall be placed on the site so that larger or high-activity buildings are away from adjacent property with smaller *structures* and lower levels of activity.
- (3) Off-street parking areas shall be located away from adjacent residential property whenever feasible to minimize disturbance to neighboring *development*.
- (4) The maximum capacity, including limits on the intensity of *accessory uses*, shall be limited to a level commensurate with the size of the *premises*, the intensity of surrounding *development*, and the capacity of *streets* serving the facility.
- (5) *Structures* shall be designed to incorporate a variety of architectural elements that diminish bulk.

§141.0607 ~~Eating and Drinking Establishments Abutting Residentially Zoned Property~~

~~Eating and drinking establishments on *premises* abutting residential zones are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0607(a). Eating and drinking establishments abutting residentially zoned property that do not comply with Section 141.0607(a) may be permitted with a Neighborhood Use Permit subject to the regulations in Section 141.0607(b).~~

~~(a) Limited Use Regulations~~

- ~~(1) Eating and drinking establishments abutting residential zones may operate only during the hours between 6:00 a.m. and 12:00 midnight.~~
- ~~(2) In the IL-3-1 zone, eating and drinking establishments shall also comply with Section 131.0623(b).~~
- ~~(3) Drive-in and drive-through restaurants, live entertainment, and the sale of intoxicating beverages other than beer and wine are not permitted in the CN zones.~~

~~(b) Neighborhood Use Permit Regulations. Except in the CN zones, eating and drinking establishments abutting residential zones that do not comply with Section 141.0607(a) may be permitted with a Neighborhood Use Permit subject to the following regulations.~~

- (1) ~~All activities associated with the establishment shall occur within an enclosed building between the hours of 12:00 midnight and 6:00 a.m.~~
- (2) ~~Drive-up or drive-through service is not permitted between the hours of 12:00 midnight and 6:00 a.m.~~
- (3) ~~Live entertainment is not permitted between the hours of 12:00 midnight and 6:00 a.m.~~
- (4) ~~The operator of the establishment shall take reasonable steps to prevent loitering on the *premises*, in parking lots serving the *premises*, and on public sidewalks adjacent to the *premises*.~~
- (5) ~~In the IL-3-1 zone, eating and drinking establishments shall also comply with Section 131.0623(b).~~

§141.0607 **Eating and Drinking Establishments with Drive-in or Drive-through Service**

Eating and drinking establishments that offer drive-in or drive-through service are permitted in zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Eating and drinking establishments that offer drive-in or drive-through service may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in this Section. The Conditional Use Permit decision maker shall consider whether the proposed use minimizes adverse impacts on adjacent properties and surrounding neighborhoods. The decision maker may impose

conditions in the Conditional Use Permit in addition to requiring compliance with the following:

- (a) A pedestrian and vehicular circulation plan shall be provided to ensure public safety.
- (b) Space for vehicle queuing for the drive-in or drive-through service shall be provided as follows:
 - (1) Queue space for a minimum of five cars shall be provided for each drive-up service window or position, as measured from the food and beverage pick-up window or position. The queue space for each car shall be 10 feet wide and 20 feet long, in accordance with Section 142.0560(i).
 - (2) Required queue spaces shall not obstruct access to parking aisles or parking spaces.
- (c) Hours of operation shall be limited as appropriate for the location.
- (d) Noise reduction techniques shall be incorporated, including measures to ensure that speaker systems are not audible beyond the *property line*.
- (e) A lighting control plan shall be provided to minimize potential off-site impacts.
- (f) A litter control plan to keep the *premises* free of litter and to prevent litter attributable to the establishment from occurring on adjacent properties shall be provided.

- (g) The operator of the establishment shall take reasonable steps to prevent loitering on the *premises*, in parking lots serving the *premises*, and on public sidewalks adjacent to the *premises*.

§141.0619 Pushcarts

This sSection regulates pushcarts on private property and pushcarts in the *public right-of-way*. Pushcarts are moveable, wheeled, non=motorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots. Pushcarts are a health-regulated business subject to Section 42.0102.

(a) Pushcarts on Private Property

Pushcarts are permitted on private property as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) through (4) [No change in text.]

~~(5) The operation of the pushcart shall be in conformance with Municipal Code Sections 42.0160 through 42.0167.~~

(b) Pushcarts in the *Public Right-of-Way*

Pushcarts may be permitted in the *public right-of-way* with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) [No change in text.]

(2) The decision maker will consider the appropriateness of the pushcart design and color scheme, *signs*, and graphics for the

products for sale and the proposed location. ~~This provision
supersedes Municipal Code Section 42.0163(Q).~~

(3) through (11) [No change in text.]

(12) Pushcarts shall not be left unattended, nor shall they remain in the *public right-of-way* between 12:00 midnight and 6:00 a.m. except for special events as provided for in ~~Municipal Code Section 42.0130.1~~ Chapter 2, Article 2, Division 40 (Special Events).

(13) ~~The operation of the pushcart shall be in conformance with
Municipal Code Sections 42.0160 through 42.0167.~~

(14)(13) An *applicant* that has received a Neighborhood Use Permit for a pushcart shall have an operating cart on the specified site within 60 calendar days of approval or the permit will be void.

(14)(14) The permit is valid only when used at the location designated on the permit. The permit shall be displayed in a prominent and visible place on the pushcart.

(15)(15) A Neighborhood Use Permit for a pushcart may not be transferred, but there may be more than one *applicant* for a single permit.

(16) A Neighborhood Use Permit for a pushcart can be revoked or modified in accordance with Sections 121.0313 through 123.0316.

(18) ~~A Neighborhood Use Permit for a pushcart can be revoked on any
of the grounds listed in Municipal Code Section 42.0168.~~

§141.1003 Marine-Related Uses in the Coastal Zone

Marine-related uses in the Coastal Overlay Zone are permitted in zones indicated with a “P” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones).

Marine-related uses in the Coastal Overlay Zone may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) through (c) [No change in text.]

§141.1105 Signs with Automatic Changing Copy

Signs with automatic changing copy may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 141.1105 does not apply to automobile service station gasoline pricing *signs* designed in accordance with state law.

(a) through (e) [No change in text.]

§142.0305 When Fence Regulations Apply

(a) [No change in text.]

(b) Table 142-03A shows the applicable regulations and the type of permit required by this ~~d~~Division, if any, for specific types of *fences*.

Table 142-03A
Fence Regulations Applicability

TYPE OF <i>DEVELOPMENT</i> PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any <i>fence</i> with a height less than 6 feet	Sections <u>129.0203</u> , 142.0310-142.0330, 142.0360-142.0380	[No change in text.]
Any <i>fence</i> with a height of 6 feet or greater	[No change in text.]	[No change in text.]
Any <i>retaining wall</i> with a height less than 3 feet	Sections <u>129.0203</u> , 142.0340, 142.0370, 142.0380	[No change in text.]
Any <i>retaining wall</i> with a height of 3 feet or greater through Any <i>fence</i> or <i>retaining wall</i> located on premises- <u>premises</u> that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731.	[No change in text.]	[No change in text.]

§142.0310 General Fence Regulations for All Zones

(a) Location and Height of *Fences*

- (1) No portion of a *fence* shall extend beyond the *property line* of the *premises* into the *public right-of-way* ~~unless an~~ without a Public Right-of-~~w~~ay permit ~~has been obtained.~~

(2) through (3) [No change in text.]

(b) through (e) [No change in text.]

§142.0340 Retaining Wall Regulations in All Zones

(a) through (b) [No change in text.]

- (c) *Retaining Wall* Height in Required Front *Yards* and Required *Street Side Yards*

(1) through (2) [No change in text.]

(3) *Retaining walls* of 3 feet in height or greater shall have at least one horizontal or vertical offset for each 120 square feet of wall area, except where otherwise provided in Section 142.0340(f). The horizontal or vertical offset shall be at least 12 inches wide with a minimum reveal of 4 inches. See Diagram 142-03B.

(d) through (e) [No change in text.]

(f) Exceptions to *Retaining Wall* Height

(1) through (3) [No change in text.]

(4) When the elevation of the adjacent *street grade* is higher than the building pad, the following shall apply:

(A) The portion of the *retaining wall* located at or below the adjacent *street grade* is not subject to Section 142.0340(c)(3); and

(B) Measurement of any portion of the wall or attached *fence* above *grade* shall be taken from the adjacent *grade* on the higher side of the *retaining wall*.

§142.0530 Nonresidential Uses — Parking Ratios

(a) through (b) [No change in text.]

(c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown that are not covered by the parking requirements in Section 142.0530(a) and (b).

Table 142-05G
Parking Ratios for Specified Non-Residential Uses

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Institutional through Institutional, Separately rRegulated uUses , Botanical Gardens and Arboretums [No change in text.]	[No change in text.]		
Churches and places of religious assembly	1 per 3 seats; or 1 per 60 inches of pew space; or 30 per 1,000 square feet assembly area if seating is not fixed	85% of Minimum	N/A
Institutional, Separately rRegulated uUses , Educational facilities: through Eating & Drinking Establishments [No change in text.]	[No change in text.]		
Public assembly & entertainment , Theaters through Public assembly & entertainment , Swimming pools [No change in text.]	[No change in text.]		
All other public assembly and entertainment	1 per 3 seats <u>or 1 per 60 inches of bench or pew seating, whichever is greater; or 30.0 per 1,000 square feet of assembly area if no-fixed-seats seating is not fixed</u>	85% of Minimum	N/A
Visitor accommodations through Vehicle & Vehicular Equipment Sales & Service, Vehicle	[No change in text.]		

sales & rentals [No change in text.]			
Wholesale, Distribution, and Storage ⁽⁴⁾			
All wholesale, distribution and storage uses	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	4.0
Self Storage Facilities	[No change in text.]		
Industrial			
Heavy Manufacturing Heavy Manufacturing (except in IS Zone)	1.5 ⁽⁶⁾	1.5 ⁽⁶⁾	4.0
Light manufacturing (except in IS Zone)	2.5 ⁽⁶⁾	2.1 ⁽⁶⁾	4.0
Industrial, Research & development (except in IS Zone) through Industrial, All industrial uses in the IS Zone [No change in text.]	[No change in text.]		

Footnotes For Table 142-05G

⁽¹⁾ through ⁽⁵⁾ [No change in text.]

⁽⁶⁾ Facilities with a majority of floor area dedicated to large equipment, tanks, vessels, and automated machinery, or any similar combination of equipment may provide parking using a minimum ratio of 1.0 parking space per 1,000 square feet of floor area instead of the parking ratio shown in Table 142-05G.

(d) through (h) [No change in text.]

§142.0560 Development and Design Regulations for Parking Facilities

(a) through (i) [No change in text.]

(j) Driveway and Access Regulations

(1) through (8) [No change in text.]

(9) Driveway Gradient Regulations

(A) through (B) [No change in text.]

(C) For ~~driveways~~ driveway ramps with a gradient greater than 14 percent up to the maximum permitted gradient of 20

percent, there shall be transitions for the first and last 8 feet of the ramp. The transitions shall not exceed one-half of the abutting slope of the driveway ramp, as illustrated in Diagram 142-05D.

Diagram 142-05D

Maximum Driveway Ramp Slope

[No change in text.]

(10) [No change in text.]

(k) [No change in text.]

§142.0670 Standards for Public Improvements

(a) through (d) [No change in text.]

(e) Street lights are a public improvement only required as a condition of approval for a subdivision map and shall be constructed in accordance with the standards established in the Land Development Manual.

(f) [No change in text.]

§142.0910 Mechanical and Utility Equipment Screening Regulations

(a) through (c) [No change in text.]

(d) Equipment and appurtenances associated with industrial development that is classified as a manufacturing use shall be exempt from the screening requirements in Section 142.0910(a) and (b) if located on a premises that is not abutting residentially zoned property.

§142.1206 Violations of Sign Regulations

(a) It is unlawful to do the following:

- (1) [No change in text.]
- (2) Place any lettering, card, poster, or notice of any kind on any curb, sidewalk, *street*, pole, post, utility box, hydrant, bridge, tree, building, or other surface that is located on public property or in the *public right-of-way* unless otherwise provided in the Municipal Code or specific state statute; or
- (3) ~~Display any *sign* without the required Sign Permit Sticker; or~~
- ~~(4)~~(3) Erect any *sign* on any *premises* contrary to the provisions of this ~~d~~Division.

- (b) [No change in text.]

§142.1208 Signs in Commercial and Industrial Developments

- (a) Where the *development permit* for a commercial or industrial *development* specifies a *sign* requirement, *signs* that meet the Land Development Code regulations for *signs* may nevertheless be approved in accordance with Process One without an amendment to that *development permit*, except as follows:
 - (1) Any *sign* that is subject to a *development permit* in accordance with the following separately regulated use regulations (Chapter 14, Article 1):
 - (A) Comprehensive *sign* plans (Section 141.1103) adopted January 1, 2000 or later;
 - (B) Revolving *projecting signs* (Section 141.1104);

- (C) Signs with automatic changing copy (Section 141.1105);
and
- (D) Theater marquees (Section 141.1106).
- (2) A sign that involves an alteration to the building where the building alteration would not be in substantial conformance to the applicable development permit; and
- (3) Any proposal that involves an advertising display sign.
- (b) New signs for commercial or industrial development with a comprehensive sign plan adopted prior to January 1, 2000 may be approved in accordance with Process One if the proposed signs comply with the current Land Development Code regulations for signs.

§142.1210 General Sign Regulations

This section is divided into subsections for copy regulations, locational regulations, structural regulations, and *sign* maintenance regulations.

- (a) Copy Regulations
 - (1) [No change in text.]
 - (2) *Signs* may have changeable copy, such as letters, numbers, symbols, pictorial panels, and other similar characters. Changeable copy shall be manually or mechanically changeable only in the field and not remotely or electronically changeable, except for the following *signs*:
 - (A) Public service messages in compliance with Section 142.1220(f); and

(B) *Signs* with automatic changing copy may be permitted with a Neighborhood Use Permit in compliance with Section 141.1105; and

(C) Automobile service station gasoline pricing signs designed in accordance with state law.

(3) through (10) [No change in text.]

(b) through (c) [No change in text.]

(d) *Sign Maintenance Regulations*

All *signs* shall comply with the following maintenance regulations whether or not a Sign Permit is required.

(1) through (4) [No change in text.]

(5) ~~A Sign Permit Sticker shall be provided for each *sign* that is required to receive a Sign Permit. The sticker shall bear an assigned number that is used to identify the *sign*. No *sign* may be displayed without the required Sign Permit Sticker.~~

(6) ~~The Sign Permit Sticker shall be installed on the lower right corner of the *sign* or other location as directed by the City Manager so that it is visible from the *public right-of-way* or some equally accessible place.~~

(7) ~~Owners of newly annexed property shall obtain Sign Permit Stickers for existing *signs* located on the property within 3 months after the effective date of the annexation.~~

§142.1220 Primary Sign Regulations

(a) through (b) [No change in text.]

(c) Table 142-12B identifies under what conditions certain types of primary *signs* are permitted in the commercial and industrial zones and the relationship among the sizes of primary *signs*. Allowances may be based on establishment, *premises*, or *street frontage*. This table presents primary *sign* type relationships only and should not be used to calculate allowable *sign* area or number of *signs* allowed. Refer to sections identified in Table 142-12A for regulations.

Table 142-12B
Permitted Primary Signs

<i>Sign Types</i>	Category A General Citywide Commercial and Industrial Zones	Category B CO and IP Zones	Category C CN and Commercial and Industrial Zones in the Coastal Overlay Zone
<i>Wall Signs</i> (See regulations in Section 142.1225)	Minimum of One <i>Sign</i> per Establishment Number and square footage of <i>wall signs</i> is limited only by the area calculation which is based on establishment's <i>street wall</i> , <i>public right-of-way</i> width, and <i>street</i> speed limit. The permitted <i>sign copy area</i> is reduced by the addition of roof- <u>projecting, or ground signs</u> <u>roof signs or projecting signs</u> .	Minimum of One <i>Sign</i> per Establishment Number and square footage of <i>wall signs</i> is limited only by the area calculation which is based on establishment's <i>street wall</i> , <i>public right-of-way</i> width, and <i>street</i> speed limit. The permitted <i>sign copy area</i> is reduced by the choice of projecting or ground- <u>signs projecting signs</u> , with a maximum display area limitation.	Minimum of One <i>Sign</i> per Establishment Number and square footage of <i>wall signs</i> is limited only by the area calculation which is based on establishment's <i>street wall</i> , <i>public right-of-way</i> width, and <i>street</i> speed limit. The permitted <i>sign copy area</i> is reduced by the choice of projecting or <u>ground signs</u> <u>projecting signs</u> , with a maximum display area limitation.
<i>Projecting Signs</i> (See regulations in Section 142.1230) through <i>Roof Signs</i> (See regulations in Section 142.1235) [No change in text.]	[No change in text.]		

Sign Types	Category A General Citywide Commercial and Industrial Zones	Category B CO and IP Zones	Category C CN and Commercial and Industrial Zones in the Coastal Overlay Zone
Ground Signs (See regulations in Section 142.1240)	<p>One Ssign per Frontage street frontage for Each Premises Having Street Frontage <u>each premises having street frontage</u>. The Number Increases <u>number of signs increases</u> as Frontage Increases <u>street frontage increases</u>.</p> <p><i>Ground signs are permitted in lieu of roof signs and projecting signs; however, one projecting sign may replace one ground sign when more than one ground sign is allowed on the premises. In addition, one of the ground signs may revolve when more than one ground sign is allowed. The permitted sign area for ground signs is based on street wall, public right-of-way width, and street speed limit. The use of a ground sign on a premises reduces the allowable wall sign copy area for that premises.</i></p>	<p>One Ssign per Premises <u>premises</u> per Frontage street frontage with a Minimum <u>minimum</u> of 100 Feet feet in Street Frontage.</p> <p><i>Ground signs are permitted in lieu of projecting signs. The area is based on street wall, public right-of-way width, and street speed limit, with a maximum display area limitation.</i></p>	<p>One Ssign per Premises <u>premises</u> per Street Frontage <u>street frontage</u>.</p> <p><i>Ground signs are permitted in lieu of projecting signs. The area is based on street wall, public right-of-way width, and street speed limit, with a maximum display area limitation.</i></p>

(d) through (f) [No change in text.]

§142.1225 Wall Signs in Commercial and Industrial Zones

The following regulations apply to *wall signs* in all commercial and industrial zone *sign* categories, unless otherwise indicated.

- (a) A minimum of one *wall sign* per establishment is permitted. *Wall signs* are permitted alone or in combinations with other primary *signs*; ~~however, the maximum permitted wall sign area is decreased by the use of other primary signs.~~
- (b) Table 142-12C provides the basis for calculating the *wall sign copy area* for establishments along a single *street frontage*. The permitted *sign copy area* is based on the length of the establishment's *street wall*; and the width of the adjacent *public right-of-way*; ~~and the other types of signs located on the premises.~~

Table 142-12C
Calculation of Wall Sign Copy Area
on a Single Street Frontage

<i>Public Right-of-way Width</i>	<i>Sign Category A</i>			<i>Sign Category B</i>	<i>Sign Category C</i>
	<i>Wall Signs Only. No Roof, Ground, or <u>Roof Signs</u> or Projecting Signs</i>	<i>Wall Signs and One Ground Sign. No Roof or Projecting Signs</i>	<i>1) Wall Signs and Roof <u>Roof Signs</u> or Projecting Signs. No Ground Sign; or 2) Wall Signs on a Building with One High-rise Wall Sign</i>	<i>Wall Signs and Projecting Signs <u>or</u> Wall Signs and Ground Sign</i>	<i>Wall Signs and Projecting Signs <u>or</u> Wall Signs and Ground Sign</i>
<i>Public right-of-way width 60 feet or less⁽¹⁾</i>	For wall sign copy area, multiply the establishment's street wall by 3 feet	For wall sign copy area, multiply the establishment's street wall by 1-1/4 feet	For wall sign copy area, multiply the establishment's street wall by 3/4 feet	For wall sign copy area, multiply the establishment's street wall by 3/4 feet	For wall sign copy area, multiply the establishment's street wall by 3/4 feet

Public Right-of-way Width	Sign Category A			Sign Category B	Sign Category C
	<i>Wall Signs Only. No Roof, Ground, or Roof Signs or Projecting Signs</i>	<i>Wall Signs and One Ground Sign. No Roof or Projecting Signs</i>	<i>1) Wall Signs and Roof <u>Roof Signs</u> or Projecting Signs. No Ground Sign; or 2) Wall Signs on a Building with One High-rise Wall Sign</i>	<i>Wall Signs and Projecting Signs or Wall Signs and Ground Sign</i>	<i>Wall Signs and Projecting Signs or Wall Signs and Ground Sign</i>
<i>Public right-of-way width 60 feet or greater</i>	<i>For wall sign copy area, multiply the establishment's street wall by 3-3/4 feet</i>	<i>For wall sign copy area, multiply the establishment's street wall by 1-1/2 feet</i>	<i>For wall sign copy area, multiply the establishment's street wall by 1 foot</i>	<i>For wall sign copy area, multiply the establishment's street wall by 1 foot</i>	<i>For wall sign copy area, multiply the establishment's street wall by 1 foot</i>
<i>Maximum wall sign copy area</i>	350 square feet	250 square feet	200 square feet	200 square feet	100 square feet
<i>Minimum wall sign copy area for each establishment</i>	75 square feet or 25 percent of the total area of establishment's street wall, whichever is less	30 square feet or 25 percent of the total area of establishment's street wall, whichever is less	20 square feet or 25 percent of the total area of establishment's street wall, whichever is less	20 square feet or 25 percent of the total area of establishment's street wall, whichever is less	20 square feet or 25 percent of the total area of establishment's street wall, whichever is less

Footnote to Table 142-12C **Footnote to Table 142-12C** [No change in text.]

(c) [No change in text.]

(d) Locational Regulations for all *Wall Signs*

(1) through (4) [No change in text.]

(5) *Wall Signs* on Architectural Appendages

Wall signs may be placed on an architectural appendage that is an integral part of the building, projects over the *roof line*, and is

perpendicular to the *public right-of-way* subject to the following regulations.

(A) [No change in text.]

(B) The *sign* must be in lieu of any ~~ground, roof,~~ roof signs or *projecting signs* on the *premises*.

(C) through (F) [No change in text.]

(6) through (9) [No change in text.]

(e) [No change in text.]

§142.1260 Signs Permitted by Higher Process

The following *signs* may be permitted with a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 and Chapter 14, Article 1, Division 11:

(a) [No change in text.]

(b) *Signs* with automatic changing copy; (except that automobile service station gasoline pricing signs designed in accordance with state law may be approved in accordance with Process One).

(c) through (e) [No change in text.]

§143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources

(a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for

any parcel identified as sensitive on the Historical Resource Sensitivity Maps. The following *development* shall be exempt from the requirements of Section 143.0212:

- (1) Interior *development* and any modifications or repairs that are limited in scope to an electrical or plumbing/mechanical permit ~~shall be exempt from the requirement to obtain a site-specific survey prior to approval of the applicable *construction permit*~~ where the *development* would not include a change to the exterior of existing *structures*.₃
- (2) In kind roof repair and replacement ~~shall be exempt from the requirement to obtain a site-specific survey prior to approval of the applicable *construction permit*~~.₃
- (3) In kind foundation repair and replacement, except for *structures* with a decorative block or cobblestone foundation; and
- (4) Construction of a swimming pool in a rear *yard*, except on a property that requires a survey in accordance with Section 143.0212(b).

(b) [No change in text.]

(c) The City Manager shall determine the need for a site-specific survey within 10 *business days* of application for a *construction permit* or within 30 calendar days of application for a *development permit*. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel or if the *development* proposes

a substantial alteration according to Section 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required within the specified time period, a permit in accordance with Section 143.0210 shall not be required.

(d) [No change in text.]

§144.0233 Acceptance of Dedication

No reservation for *public rights--of--way* shall be offered for dedication unless such offer includes any necessary slope easements required for the ultimate ~~development~~ development of the *public right--of--way*, and no such reservation shall be accepted for dedication by the City until improvements therein are constructed pursuant to the requirements of ~~this~~ the San Diego Municipal Code. The City Engineer, or other designee of the City Manager, may accept on behalf of the City Council *streets* and roads, or portions thereof, into the City *street system* ~~system~~ system and record conveyances to the City of real property interests for *street* and road uses and purposes. No *street* shall be accepted into the City *street system* ~~system~~ system and open to public use until improvements are constructed pursuant to the requirements of ~~this Code~~ the San Diego Municipal Code.

§144.0242 Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities

(a) [No change in text.]

(b) Process. Requests to waive the undergrounding requirement in ~~s~~Section 144.0240(b) shall be considered concurrently with the approval of a *tentative map* or amendment thereto. Supporting facts for a decision to

grant a waiver shall be documented in the ~~findings~~ findings for *tentative*
map approval.

(c) through (d) [No change in text.]

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >> 3rd >> 4th >>	CU-									
		1 ⁻⁽¹⁾		2-			3-				
		1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories [No change in text.]	[No change in text.]										
Churches & Places of Religious Assembly	€	€				€					
Institutional, Separately Regulated Institutional Uses, Communication Antennas:, through Commercial Services, Personal Services [No change in text.]	[No change in text.]										
Assembly & Entertainment	-	P ⁽¹³⁾				P ⁽¹³⁾					

Commercial Services, Radio & Television Studios through Commercial Services, Separately Regulated Commercial Services Uses , Adult Entertainment Establishments:, Sexual Encounter Establishment [No change in text.]	[No change in text.]		
<u>Assembly & Entertainment Uses, Including Places of Religious Assembly</u>	<u>C</u>	<u>L</u>	<u>L</u>
Commercial Services, Separately Regulated Commercial Services Uses , Bed & Breakfast Establishments, through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]		

Footnotes to Table 155-05C Footnotes to Table 155-02C [No change in text.]

§156.0315 Separately Regulated Uses

(a) through (g) [No change in text.]

(h) *Historical Buildings* Occupied by Uses Not Otherwise Allowed

Historical buildings occupied by uses not otherwise allowed may be permitted with a Conditional Use Permit in accordance with Process Three subject to the following regulations:

(1) [No change in text.]

(2) The use of the *historical resource building* shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed. To minimize detrimental effects to neighboring properties, any separately regulated uses in a historical building shall comply with the regulations in Section 156.0315 (Centre City Planned District

Ordinance Separately Regulated Uses) and Chapter 14, Article 1
(Separately Regulated Use Regulations).

- (3) The *historical resource-building* shall be preserved, restored, rehabilitated, reconstructed, or maintained in its original historical appearance in accordance with Chapter 14, Article 3, Division 2 of this Code.
- (4) Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, and cause no more than a minor alteration to the *historical resource building* in accordance with Historical Resources Regulations unless the *development* is approved through a Site Development Permit or Neighborhood Development Permit in accordance with Chapters 11 through 14 of this Code.

(i) through (j) [No change in text.]

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

(a) through (d) [No change in text.]

- (e) ~~Churches, temples or buildings of a permanent nature, used primarily for religious purposes.~~

- ~~(f)~~(e) Electric distribution and gas regulating stations as a conditional use subject to a Process Three Conditional Use Permit in accordance with Land Development Code Section 141.0408 (Separately Regulated Use Regulations).
- ~~(g)~~(f) Golf courses as a conditional use subject to a Process Four Conditional Use Permit in accordance with Land Development Code Section 141.0609 (Separately Regulated Use Regulations).

§1510.0307 Visitor Zone-Permitted Uses

In the Visitor (V) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

- (a) through (c) [No change in text.]
- (d) Assembly and entertainment uses, including places of religious assembly, that obtain a Conditional Use Permit decided in accordance with Process Three in accordance with Section 141.0602 (Separately Regulated Use Regulations).
- ~~(d)~~(e) In the portion of Pueblo Lot 1286 bounded by La Jolla Shores Drive, Torrey Pines Road and La Jolla Parkway (dedicated but unimproved as a roadway) a restaurant and automobile service station will be permitted in addition to any of the other visitor area uses.
- ~~(e)~~(f) Any other uses the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory

uses, enumerated above and consistent with the purpose and intent of the Visitor Zone and the La Jolla Shores Planned District Ordinance. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

§1510.0309 Commercial Center Zone-Permitted Uses

In the Commercial Center (CC), designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes provided that the ground floor area of any establishment does not exceed 6,000 square feet. The minimum floor area for each dwelling unit or apartment is 400 square feet.

(a) through (e) [No change in text.]

(f) Assembly and entertainment uses, including places of religious assembly, that obtain a Conditional Use Permit decided in accordance with Process Three in accordance with Section 141.0602 (Separately Regulated Use Regulations).

~~(f)~~(g) Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated above and consistent with the purpose and intent of the Commercial Center Area (CC) and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

§1513.0304 Property Development Regulations – Residential Subdistricts

(a) through (c) [No change in text.]

(d) Encroachments

(1) [No change in text.]

(2) Encroachments into yards for Courts, Places, and all yards on
Ocean Front and Bayside Walks

(A) The following encroachments, in addition to those
identified in Table 1513-03B, are permitted in yards for
Courts, Places, and Walks:

(i) An encroachment of up to 18 inches ~~or~~ for a vertical
offset extending full height of the building that is a
maximum of 3 feet in ~~deep~~ depth and not less than
45 degrees for at least 50 percent of the building as
illustrated in Diagram 1513-03D provided that the
width of the encroaching offset is not more than
one-half of the total building width, and an insert
area equal to the width of the encroaching offset at a
minimum depth of 18 inches is undeveloped behind
the required setback line parallel to the Court, Place,
or Walk.

(ii) [No change in text.]

(B) [No change in text.]

(3) through (4) [No change in text.]

(e) through (h) [No change in text.]

Chapter 15: Planned Districts

~~Article 17: Otay Mesa Development District~~

~~Division 1: General Rules~~

~~Article 17: Otay Mesa Development District~~

~~Division 2: Permits and Procedures~~

~~Article 17: Otay Mesa Development District~~

~~Division 3: Zones and Subdistricts~~

~~Article 17: Otay Mesa Development District~~

~~Division 4: General and Supplemental Regulations~~

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